

ROCHESTER CITY COUNCIL

REGULAR MEETING

SEPTEMBER 8, 2009

Present - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

DES

*Yaacov Horesh

*Eliud Rodriguez, Sr.

NBD

David Hershkowitz

*Dana P. Johnson

OMB

*Bernice Wade

**Not attending meeting.*

APPROVAL OF THE MINUTES

By Councilmember Miller

RESOLVED, that the minutes of the Regular Meeting of August 11, 2009 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges 3984-09

Public Disclosure-CDBG Participation 3985-09

Public Disclosure - HOME Participation (4) 3986-09, 3987-09, 3988-09, 3989-09

Quarterly Report 3990-09

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Workers Compensation Claims
General Liability Claims

THE COUNCIL PRESIDENT --- PRESENTATION AND REFERENCE OF PETITIONS AND
REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Local Law Approving The Persons With Disabilities And Limited Incomes Tax Exemption
Int. No. 328 No speakers.

Amending The Official Map By Renaming The Linden And Meigs Playground At 890 Meigs Street As
The Ellwanger And Barry Park Int. No. 336 No speakers.

Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To
Carter Street Int. No. 338 No speakers

Approving Changes In The Pavement Width Of Carter Street To Install A Right Turn Lane At The
Route 104 Frontage Road Int. No. 339 No speakers.

Local Improvement Ordinance - Areaway Repair At 50 Chestnut Street As A Part Of The Lawn Street
Improvement Project Int. No. 366 No speakers

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember Conklin
September 8, 2009

To the Council:

The Finance Committee recommends for Adoption the following entitled legislation:

Int. No. 323 - Establishing Maximum Compensation For An Agreement With The Rochester
Philharmonic Orchestra For Public Concerts

Int. No. 324 - Establishing Maximum Compensation For An Agreement For A Film Festival

Int. No. 325 - Establishing Maximum Compensation For An Agreement For A Community Theatre
Festival

Int. No. 326 - Establishing Maximum Compensation For A Professional Services Agreement For
State Lobbying Services

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Int. No. 327 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Rochester Rhinos Stadium Project

Int. No. 353 - Establishing Maximum Compensation For An Agreement For The AmeriCorps Program

Int. No. 361 - Authorizing The Bulk Sale Of Delinquent Tax Liens

Int. No. 367 - Authorizing Competitive Grant Applications

The following entitled legislation is being HELD in committee:

Int. No. 328 - Local Law Approving The Persons With Disabilities And Limited Incomes Tax Exemption

Respectfully submitted,
Carolee A. Conklin
Carla M. Palumbo
Lovely A. Warren
Gladys Santiago
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-292
Re: Agreement - RPO, Music Performances

Transmitted herewith for your approval is legislation establishing \$68,000 as maximum compensation for an agreement with the Rochester Philharmonic Orchestra, for music performances. The cost of the agreement will be funded from the 2009-10 Budget of the Bureau of Communications.

The RPO will provide two full orchestra concerts and six ensemble concerts to be performed as part of a neighborhood concert series. The full orchestra concerts will be similar to those provided annually since 1987 under comparable agreements. The ensemble concerts will be similar to the 2009 series, which took place in neighborhoods throughout the city as part of the summer performing arts season.

This agreement is funded at \$7,000 less than 2008-09 due to overall budget reductions. Services have been reduced by eliminating the education component that had been provided to the City School District.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-292
(Int. No. 323)

Establishing Maximum Compensation For An Agreement With The
Rochester Philharmonic Orchestra For Public Concerts

BE IT ORDAINED, by the Council of the City of Rochester as follows:

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Section 1. The sum of \$68,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Rochester Philharmonic Orchestra for two full orchestra public concerts and six ensemble public concerts. Said amount shall be funded from the 2009-10 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-293

Re: Agreement - The Rochester Lesbian
And Gay Film Festival, Inc.

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with The Rochester Lesbian and Gay Film Festival, Inc., d/b/a/ ImageOut, for a ten-day film festival, October 9-18, 2009, and special screenings throughout the year. The cost of this agreement will be funded from the 2009-10 Budget of the Bureau of Communications.

A similar agreement was authorized by Ord. No. 2008-368 in October 2008. Now in its 17th year, ImageOut offers the following:

- The film festival with over 120 full-length, short, and documentary films. An average annual attendance of over 10,000 makes this the largest film festival of any kind in New York State outside of New York City;
- A youth project, aimed at education and discussion for and about lesbian, gay, bisexual, and transgender (LGBT) youth;
- Accessibility efforts, particularly for hard-of-hearing patrons;
- Outreach, especially to the physically challenged community; and
- A showcase for visual artists in the LGBT community.

The City funds will be used to increase awareness and accessibility to the festival screenings and events with strategic marketing plans throughout Upstate New York, and to increase awareness of ImageOut-Reach and the ImageOut-Youth Project.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-293
(Int. No. 324)

Establishing Maximum Compensation For An Agreement For A
Film Festival

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and The Rochester Lesbian and Gay Film

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Festival, Inc., d/b/a ImageOut, for a film festival. Said amount shall be funded from the 2009-10 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-294

Re: Agreement - Theatre Association
Of New York State, AACTFest 2011

Transmitted herewith for your approval is legislation establishing \$10,000 as maximum compensation for an agreement with The Theatre Association of New York State (TANYS) to support an eight-day theatre festival to take place in downtown Rochester, June 19-26, 2011. The cost of the agreement will be funded from the 2008-09 Budget of the Bureau of Communications.

The American Association of Community Theatre Festival (AACTFest) began in 1957 and is held every two years. Host cities are chosen through a national bidding process; AACTFest 2007 and AACTFest 2009 were hosted by Charlotte, NC and Tacoma, WA, respectively. Winners of local and state competitions advance to one of 12 regional competitions. The regional winners advance to the national event.

TANYS worked with the Greater Rochester Visitors Association in preparing the winning bid for AACTFest 2011. The festival provides an opportunity for local theater professionals to interact with national and international peers. Geva Theatre has committed to be the main performance venue, and will present productions from each of the 12 national finalists. Roberts Wesleyan College and Nazareth Arts Center will be among the other venues.

TANYS will provide complimentary passes to the City. A plan for distribution of the passes to local youth through the City's recreation centers will be developed in conjunction with the Department of Recreation and Youth Services.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-294
(Int. No. 325)

Establishing Maximum Compensation For An Agreement For A
Community Theatre Festival

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and The Theatre Association of New York State for a Community Theatre Festival in June, 2011. Said amount shall be funded from the 2008-09 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

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TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-295
Re: Agreement - Bolton-St. Johns,
LLC, State Lobbying Services

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for an agreement with Bolton-St. Johns, LLC, Albany, NY to provide state lobbying services. The cost for this agreement will be funded from the 2009-10 Budget of the Mayor's Office. The term of this contract will be for one year, July 1, 2009 to June 30, 2010. The fee of \$5,000 per month is inclusive of lobbying services and all incidentals, including travel.

Bolton-St. Johns has provided lobbying services since February 2009; their accomplishments through June 30, 2009 include:

- Worked with Assemblyman Gantt and Senator Robach to pass legislation (bill number A9025/S6063) requiring spin-up aid and incentives to be paid on or before June 30 in the fiscal year that such aid is due and payable.
- Worked with Assemblyman Gantt and Senator Thompson to pass legislation (bill number A7332/S3746), signed into law, allowing the City to install red-light traffic enforcement cameras.
- Currently working with the Senate Majority to have the City reimbursed \$536,000 in construction costs for PAETEC Park.
- Currently working with the Governor's office to receive approval for sale of the Josh Lofton property in Rochester.
- Currently working with Assemblywoman John to ensure that the City of Rochester receives \$300,000 in CCAP funds for the Sebastian Park project.

In addition to the ongoing work mentioned above, the firm will provide the following services:

- Draft and arrange for the introduction of the City's legislative proposals as appropriate.
- Identify and review relevant legislation; provide regular updates; present comments as necessary.
- Review and analyze the State budget for potential impact on the City; monitor appropriations, lobbying to ensure Rochester receives necessary and suitable funding.
- Facilitate relationships with legislative members; arrange and coordinate meetings with State officials; prepare materials for these meetings; accompany City staff to such meetings.
- Coordinate activities with the NY Conference of Mayors and other "Big 5" cities, as necessary.
- Advise on legislative and regulatory objectives; develop a written strategic plan.
- Work with state agencies as necessary to accomplish the City's agenda.

It is crucial in this economy that the City's interests are aggressively represented in Albany. Lobbying services will help in the ongoing efforts of this Administration to ensure that Rochester receives its fair share of state aid, despite the State's fiscal constraints. This is especially important given the anticipated pass-through allocations of Federal stimulus funds for infrastructure projects.

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Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-295
(Int. No. 326)

Establishing Maximum Compensation For A Professional Services
Agreement For State Lobbying Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bolton-St. Johns, LLC for the provision of State lobbying services. Said amount shall be funded from the 2009-10 Budget of the Office of the Mayor.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-296
Re: Amendatory Agreement - Rochester
Rhinos Stadium Construction Project

Transmitted herewith for your approval is legislation which will authorize an Amendatory Agreement with Populous Architects P.C. (formerly HOK Sports Facilities Architects P.C.) for additional architectural design services. The original agreement, authorized by Ordinance No. 2008-325, established \$300,000 as maximum compensation. This amendment will increase the amount of the agreement by \$30,000 to \$330,000.

A grant of \$4,000,000 from the Dormitory Authority of the State of New York (DASNY) for this project was previously accepted and appropriated by Council in Ordinance No. 2009-61. In that same ordinance, LeChase Construction Services, LLC was approved to provide construction and construction management services at a maximum cost of \$3,700,000. Revisions to the estimated costs of construction, verification of engineering load amounts by an external firm, allocations for the purchase of furniture, fixtures, and equipment for the suites and team locker rooms, and the completion of final design by Populous has led to a reduction of the estimated cost of the LeChase agreement to \$3,451,045. The reduced funding will be allocated to the other purposes.

The overall project includes the completion of the press box and build-out of approximately fourteen suites on the existing Press Level. The use of the DASNY funds are summarized below:

<u>Firm</u>	<u>Purpose</u>	<u>Original Amount</u>	<u>Final Amount</u>
Populous Architects, PC	Engineering design	\$300,000	\$330,000
LeChase	Construction mgt.	\$3,700,000	\$3,451,045
Dant Clayton	Load verification	- 0 -	\$6,500
City of Rochester	Furniture, fixtures, equipment	- 0 -	\$212,455

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Construction is currently underway and is scheduled for completion in March 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-101

Ordinance No. 2009-296
(Int. No. 327)

Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For The Rochester Rhinos
Stadium Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Populous Architects P.C. for architectural design services for the Rochester Rhinos Stadium Project. Said amount shall be funded from anticipated reimbursements from the Dormitory Authority of the State of New York to fund the Rochester Rhinos Stadium Project which were appropriated in Section 2 of Ordinance No. 2009-61.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-297
Re: Agreement - Monroe Community
College, AmeriCorps Program

Transmitted herewith for your approval is legislation establishing \$55,000 as maximum compensation for an agreement with Monroe Community College, for continued support of the AmeriCorps Program. The cost will be financed from the Undistributed allocation of the 2009-10 Budget.

The AmeriCorps program is a Federal community service initiative for individuals aged 17 or older. The City has participated since the program's inception in 1994. Since then, over 1,000 individuals have participated, contributing over 1.5 million hours of service. Participants perform a minimum of 1,700 hours of community service in exchange for a stipend of \$11,400 per year, health insurance, a child care subsidy (if eligible), and an educational award of \$4,725. In Rochester, the community services are directed toward neighborhoods of highest need, with emphasis on initiatives involving children and youth.

The program is administered by Monroe Community College. Local cost-sharing budgeted at \$185,000 in non-federal cash and \$76,218 of in-kind contributions leverages \$445,500 in Federal funds. The annual value to the community of member service hours and additional volunteer hours is in excess of \$1 million.

The program will enroll 41 individuals this year; City funding supports 11 placements: three with the Police Department's Victim Assistance Unit and eight in City recreation programs. Enrollee demographic and place-of-residence information will be available upon the completion of enrollment.

City funded placements include:

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Police Department. Participants' duties will enhance the activities of the Victim Assistance Unit by expanding capacity to provide court accompaniment and advocacy, crisis intervention, referrals, and safety planning

Department of Recreation and Youth Services. Participants' duties will enhance the city-wide activities, including the Junior Rec. Leaders Program, BizKid\$, Youth Voice One Vision, Jump into Fitness, and volunteer and special events coordination. In addition, participants expand activities at four recreation center locations.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-297
(Int. No. 353)

Establishing Maximum Compensation For An Agreement For The
AmeriCorps Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$55,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Monroe Community College for the continued support of the AmeriCorps Program. Said amount shall be funded from the 2009-10 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-298
Re: Bulk Sale of Delinquent Tax Liens

Transmitted herewith for your approval is legislation authorizing the Mayor to sell this year's delinquent tax liens, in bulk, to American Tax Funding Servicing, LLC (ATFS).

Local Law No. 8 of 2008 amended the City Charter to allow the City to conduct bulk sales of delinquent tax liens. Council Ordinance No. 2008-379, authorized the City to enter into a three-year agreement with two one-year renewal options with ATFS for the annual bulk sale of delinquent tax liens. Said authorization was based upon an initial ATFS offer of 59.55% of the initial August 2008 delinquent tax lien list.

On February 27, 2008, the City closed its first bulk lien tax with ATFS. The City received \$6,036,828.85 for the sale of 5,676 liens (3,327 parcels) having an original value of \$13,976,777.42 (principal and interest). This represented 43.2% of the original lien value.

For this year, based on an initial list transmitted to ATFS having an aggregate lien amount of \$18,594,294.40, it is estimated that the City will receive \$ 8,321,605.14, or 44.75 % of the original lien amount. The final sale dollar amount and percentage will reflect changes to the delinquent tax liens which are finally sold.

As required by Council Ordinance No. 2008-379, the Administration will file a list of the properties to be sold to ATFS and the properties removed from the sale and a map showing both categories.

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This legislation approves the sale of this year's delinquent tax liens to ATFS based upon this initial estimated dollar value and percentage amounts.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-298
(Int. No. 361)

Authorizing The Bulk Sale Of Delinquent Tax Liens

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to the agreement between the City and American Tax Funding Servicing, LLC (ATFS) for the bulk sale of delinquent tax liens, the Council hereby approves the bulk sale of this year's tax liens.

Section 2. The agreement shall obligate ATFS to pay to the City an amount based upon the ATFS offer of 44.75% of the initial August 2009 delinquent tax lien list, as adjusted to reflect changes to the delinquent tax liens which are finally sold.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 8.

Nays - Councilmember Lightfoot - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-299
Re: Competitive Grant Applications -
Fiscal Year 2009-10

Transmitted herewith for your approval is legislation authorizing certain competitive grant applications for 2009-10. As you know, one of the goals of this administration is to increase revenue from granting sources. This legislation will help to streamline the process by which the City applies for competitive federal, state and private grants. Council has previously approved such grant applications in Ordinances No. 2007-86 and 2008-183.

There are over 900 grant programs offered by Federal grant-making agencies, as well as hundreds of state, regional and private grant opportunities that the City qualifies for as a municipality. Frequently, granting agencies require City Council endorsement as part of the application process. Providing this "up front" approval will enable staff to respond to funding opportunities more quickly.

When any of the following conditions apply, grant applications will continue to require individual Council endorsement:

1. If the City is required to pay more than 50% of the cost of the project in the form of operating capital;
2. If the award exceeds \$1,000,000; or

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3. If, in the case of a capital project, completion is required in one calendar year or less.

The City will develop and maintain an inventory of available grant resources to further optimize our ability to take full advantage of funding opportunities. Reports on funds received will be presented to Council on request.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-299
(Int. No. 367)

Authorizing Competitive Grant Applications

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit applications to Federal, State, and regional governments, agencies and authorities, as well as private foundations and other funding sponsors, for funding that will support City programs, services and capital operations.

Section 2. For successful award applications, the Mayor shall obtain City Council approval to enter into agreements for receipt of the funding and necessary professional services agreements for performance of the work, and for appropriation of the funds.

Section 3. The applications shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Grant applications which obligate the City of Rochester to pay more than \$250,000 in the form of operating capital shall require City Council authorization.

Section 5. Grant applications exceeding \$1,000,000, and awards for capital projects that require project completion in one calendar year or less, shall require City Council authorization.

Section 6. This ordinance shall apply retroactively and be in effect for the entire 2009-10 fiscal year.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 328
Re: Tax Exemption for Persons with
Disabilities and Limited Income

Transmitted herewith for your approval is legislation authorizing a new tax exemption for property owners with disabilities and limited income who are under the age of 65. This exemption is authorized by New York State Real Property Tax Law section 459-c and may be adopted by local taxing jurisdictions.

The County of Monroe, and most towns within the County, adopted this law in 2003 for application to the 2004 Final Assessment Roll. The City Assessor has been administering this exemption on behalf of the County for County taxes levied on City properties. Adopting this new exemption for City and school taxes will require no additional staff time for the Assessor's Office.

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As with the senior citizen tax exemption, the disability exemption requires that the recipient provide proof of income. The new exemption will be tied to the same schedule used for the senior citizen exemption, wherein a person earning \$29,000 or less receives a 50% tax exemption. The exemption amount decreases by 5% per step, with those earning up to \$37,400 receiving a 5% exemption. Those earning more than \$37,400 are not eligible for the exemption.

A total of 286 owners of City property (285 homestead, one non-homestead) will receive the disability exemption for 2009 County tax purposes; this results in an aggregate amount of \$73,500 in savings to the owners for County tax purposes. The City and school tax exemption amount will be approximately \$141,000 in tax savings to owners for 2009-10.

A public hearing on the adoption of the tax exemption is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 328

LOCAL LAW APPROVING THE PERSONS WITH DISABILITIES
AND LIMITED INCOMES TAX EXEMPTION

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by adding thereto the following new section:

Section 6-71.9. Persons with disabilities and limited incomes exemption.

- A. Pursuant to the authority granted by § 459-c of the Real Property Tax Law, real property in the City of Rochester owned by one or more persons with disabilities, or real property owned by a husband and wife, or both, or by siblings, at least one of whom has a disability, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from taxation by the City of Rochester to the extent of 50% of the assessed valuation thereof.
- B. No exemption shall be granted if the income of the owner or the combined income of the owners of the property, for the income tax year immediately preceding the date of making application for exemption, exceeds the sum of \$29,000, except that, if the income is more than \$29,000, then such real property shall be exempt to the extent provided in the following schedule:

<u>Annual Income</u>	<u>Percentage of Assessed Valuation Exempt From Taxation</u>
More than \$29,000 but less than \$30,000	45%
\$30,000 or more but less than \$31,000	40%
\$31,000 or more but less than \$32,000	35%
\$32,000 or more but less than \$32,900	30%
\$32,900 or more but less than \$33,800	25%
\$33,800 or more but less than \$34,700	20%
\$34,700 or more but less than \$35,600	15%
\$35,600 or more but less than \$36,500	10%
\$36,500 or more but less than \$37,400	5%

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Section 2. This local law shall take effect immediately and shall first apply during the 2010-11 tax year.

Held in committee.

By Councilmember Warren
September 8, 2009

To the Council:

The Neighborhood & Community Development Committee recommends for Adoption the following entitled legislation:

Int. No. 329 - Authorizing The Sale Of Real Estate, As Amended

Int. No. 330 - Amending Ordinance No. 2007-340 Relating To The Sale Of Real Estate

Int. No. 331 - Amending Ordinance No. 2009-235 Relating To A Tax Exemption For The El Camino Estates Project

Int. No. 332 - Amending Ordinance No. 2009-234 Relating To The El Camino Estates Project

Int. No. 333 - Authorizing The Acquisition Of Real Estate From The Rochester Urban Renewal Agency

Int. No. 334 - Authorizing An Agreement For The Tenant Services Program

Int. No. 335 - Authorizing An Agreement For The Landlord Services Program, As Amended

Int. No. 354 - Authorizing A Loan Agreement For The Mills At High Falls Phase II Project

The Neighborhood & Community Development Committee recommends for Consideration the following entitled legislation:

Int. No. 336 - Amending The Official Map By Renaming The Linden And Meigs Playground At 890 Meigs Street As The Ellwanger And Barry Park

Int. No. 337 - Authorizing The Acceptance Of A Permanent Easement At The Rochester General Hospital For Street Purposes

Int. No. 338 - Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To Carter Street

Int. No. 339 - Approving Changes In The Pavement Width Of Carter Street To Install A Right Turn Lane At The Route 104 Frontage Road

Respectfully submitted,

Lovely A. Warren

Carolee A. Conklin

Carla M. Palumbo (*Abstained on Int. No.'s 334 & 335*)

Gladys Santiago

NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

September 8, 2009

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-300, Ordinance No. 2009-301,
Ordinance No. 2009 302 and Ordinance No. 2009-303
Re: Sale of Real Estate and Amending
Ordinances

Transmitted herewith for your approval is legislation approving the sale of 49 properties and amending Ordinance No. 2007-340, 2009-234 and 2009-235. With the exception of purchasers of unbuildable vacant land, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Bureau of Inspection and Compliance Services were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first 43 properties were sold at the July 13, 2009 public auction to pre-qualified purchasers. The purchasers will be required to complete the rehabilitation of the structures within nine months of conditional closing.

The last six properties are unbuildable vacant lots that are being sold for \$1.00 to the adjoining owners for \$1.00 to combine with their adjoining properties.

The first year projected tax revenue for these 49 properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$33,491.

All City taxes and other charges, except water charges against, properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Ordinance No. 2007-340

Ord. No. 2007-340 authorized the sale of 61 Magnolia St. to Rashawn M. Banks, who is now unable to complete the sale. The new purchaser is Roberta Haynes, who is Mr. Banks' mother and has been actively involved in the rehabilitation of the structure.

Ordinances No. 2009-234 and 235

These ordinances approved the sale of real estate and a property tax exemption for parcels for the El Camino Estates Project. One of the approved parcels, 284 Conkey Avenue, cannot be sold due to title problems and has to be removed from the Project. 254 and 283 Conkey Avenue will be added to the Project.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-102

Ordinance No. 2009-300
(Int. No. 329, As Amended)

Authorizing The Sale Of Real Estate

September 8, 2009

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by regular auction:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Legal Use</u>	<u>Price</u>	<u>Purchaser</u>
314 Ames St	120.25-3-1	42 x 114	2 FAM	\$ 4,700	Ross Conley
119 Ave B	106.21-1-56	38 x 120	2 FAM	\$ 600	Veronica Anthony
[208 Ave C	091.77-3-21	41 x 120	1 FAM	\$ 1,800	Brian Abramson]
45 Bartlett St	121.61-2-11	37 x 173	1 FAM	\$ 400	Anthony A. Wright
170-174 Bartlett St	120.67-2-77.1	66 x 141	2 FAM	\$ 400	Steven Couch
180 Bartlett St	120.67-2-75	37 x 141	2 FAM	\$ 400	Steven Couch
195 Bay St	106.51-1-3	40 x 111	1 FAM	\$ 400	Rosemarie Graham
74 Berlin St	106.24-1-5	36 x 143	1 FAM	\$ 800	*Ubiquity Enterprises, LLC
[75 Berlin St	106.24-1-20	32 x 107	1 FAM	\$ 9,200	Margaret Austin]
27 Bloomingdale St	106.23-1-5	38 x 97	2 FAM	\$ 1,600	David Mankowski
80 Cady St	120.60-1-38	34 x 117	1 FAM	\$ 600	Jerome Tamburino
13 Carl St	106.31-1-1	38 x 94	1 FAM	\$ 400	Denasia Hayes
44 Carthage St	091.61-2-46	50 x 109	3 FAM	\$ 400	Tequila Wright
320 Central Pk	106.51-2-62	40 x 121	1 FAM	\$11,000	Vincenta C. Durruthy
362 Champlain St	120.59-2-39	33 x 159	1 FAM	\$ 400	*Ubiquity Enterprises, LLC
127 Clifton St	120.51-3-5	42 x 100	2 FAM	\$ 500	Steven Couch
233 Columbia Ave	120.68-3-59	40 x 115	1 FAM	\$ 400	David Mankowski
250 Columbia Ave	120.68-3-41	40 x 176	2 FAM	\$ 400	Veronica Anthony
324 Conkey Ave	091.77-3-25	40 x 125	1 FAM	\$ 400	Chenda Yok
196 Cottage St	135.28-1-26	51 x 145	1 FAM	\$ 400	Ann Mankowski
35 Cutler St	091.69-1-65	41 x 110	1 FAM	\$ 1,000	Michael J. Wood
20 Evergreen St	106.37-2-76	35 x 108	2 FAM	\$ 400	James Fraser
408 First St	106.35-2-45	40 x 91	1 FAM	\$ 6,300	Shekinah Cooper Reyes
552 Genesee St	120.74-1-33	41 x 99	1 FAM	\$ 400	Denasia Hayes
461 Hayward Ave	107.69-1-1	35 x 81	2 FAM	\$32,000	**Khufu Properties, LLC
462 Hayward Ave	106.68-3-24	40 x 132	1 FAM	\$ 400	Daniel Rosario Gomez
621 Joseph Ave	106.31-2-51	36 x 168	2 FAM	\$ 4,000	Jerome Tamburino
[60 Laser St	091.72-4-67	34 x 105	2 FAM	\$ 4,700	Brian Abramson]
527 Lyell Ave	105.65-2-10	40 x 120	3 FAM	\$ 600	Strody J. Hannah
63 Montrose St	105.59-2-18	50 x 115	1 FAM	\$ 400	Chenda Yok
329 Murray St	105.57-3-26.1	60 x 92	1 FAM	\$ 3,000	Jerome Tamburino
25 Peck St	106.68-1-31	40 x 125	1 FAM	\$ 4,500	Michael J. Wood
342 Portland Ave	106.42-2-44	43 x 100	1 FAM	\$ 8,900	***EastWest USA
19 Sander St	106.43-3-31.1	80 x 105	1 FAM	\$ 400	Mariela Leyva
65 Seabrook St	106.23-2-49	38 x 74	1 FAM	\$ 400	Bertha Davis-Wall
675 Seward St	135.27-2-77	40 x 115	1 FAM	\$ 5,000	Ann Mankowski
126 Sherwood Ave	120.64-3-34	29 x 116	1 FAM	\$ 400	David Mankowski
1538 St. Paul St	090.76-1-62	50 x 145	2 FAM	\$ 400	Michael J. Wood
181 Warner St	105.57-1-10	39 x 150	1 FAM	\$ 9,500	Tien Tran
83 Weeger St	106.40-3-4.1	66 x 129	1 FAM	\$ 400	Strody J. Hannah
253 Wilkins St	106.24-2-14	40 x 102	1 FAM	\$ 400	Denasia Hayes
642 Wilkins St	106.26-1-78	39 x 82	1 FAM	\$ 5,500	*Ubiquity Enterprises, LLC

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112 York St 120.34-2-79 45 x 151 1 FAM \$ 400 Ross Conley

* Principals: Jeffrey Benjamin, President; Neil Brewster, Vice President
** Principals: Kurt Domicos, President; Tracy Kirstein, Member
*** Principals: Shajan Baby, President

Section 2. The Council hereby approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
205 Sherman St	105.35-2-12.1	30 x 156	4,680	Tammi Johnson
W/H 457 Hawley St	Pt of 120.75-2-8	16 x 152	2,432	Ivy D-Lyston
E/H 457 Hawley St	Pt of 120.75-2-8	16 x 152	2,432	Aaron Dennis
9 Willow St	105.49-3-14	30 x 80	2,400	Beverly V. Campbell
W/H 7 Glendale Pk	Pt of 105.35-2-10	21 x 132	2,772	Charles Naylor
E/H 7 Glendale Pk	Pt of 105.35-2-10	12 x 132	1,584	Peter Skandera

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted.

Passed unanimously.

Ordinance No. 2009-301
(Int. No. 330)

Amending Ordinance No. 2007-340 Relating To The Sale Of Real
Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2007-340, relating to the sale of real estate, is hereby amended by changing the name of the purchaser of 61 Magnolia Street, as approved in Section 1, from Rashawn M. Banks to Roberta Haynes.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-302
(Int. No. 331)

Amending Ordinance No. 2009-235 Relating To A Tax Exemption
For The El Camino Estates Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

September 8, 2009

Section 1. Ordinance No. 2009-235, relating to a property tax exemption for the El Camino Estates Project, is hereby amended by deleting the parcel at 284 Conkey Avenue, SBL #106.21-3-68, from the list in Section 1 and by adding to said list the following parcels:

<u>Address</u>	<u>SBL</u>
254 Conkey Avenue	106.21-3-46
283 Conkey Avenue	106.21-2-10

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Warren moved to amend Int. No. 332.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following votes:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

Ordinance No. 2009-303
(Int. No. 332, As Amended)

Amending Ordinance No. 2009-234 Relating To The El Camino
Estates Project And Amending Ordinance No. 2009-278

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2009-234, relating to the sale of real estate for the El Camino Estates Project, is hereby amended by deleting authorization for the sale of 284 Conkey Avenue, SBL #106.21-3-68, from the list in Section 1 and by adding to said list the following parcels:

<u>Address</u>	<u>Dimensions</u>	<u>SBL#</u>	<u>Price</u>
254 Conkey Avenue	45' x 123'	106.21-3-46	\$450
283 Conkey Avenue	40' x 123'	106.21-2-10	\$425

Section 2. Ordinance No. 2009-278, relating to a loan agreement for the Mildred Johnson Estates II Affordable Housing Project, is hereby amended by deleting the appropriation in the amount of \$4,000 from 2008-09 HOME Program Funds in Section 2 thereof and by increasing the appropriation from 2009-10 HOME Program Funds from \$196,000 to \$200,000.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

September 8, 2009

Ordinance No. 2009-304

Re: Acquisition of Land from the
Rochester Urban Renewal Agency

Transmitted herewith for your approval is legislation authorizing the purchase for \$1.00 of six parcels owned by the Rochester Urban Renewal Agency (RURA). The properties were acquired by the Agency as part of development projects that are now complete, thereby eliminating the need for them to remain in ownership by the Agency. Acquisition by the City will simplify management of the properties which are being held for future development or are leased to adjoining owners. These transfers are for the effectuation of the purposes of the urban renewal program in accordance with the urban renewal plans.

The subject properties are:

338 Ford Street

This property, adjacent to the Memorial AME Zion Church, carries a lease agreement that will transfer with the property to the City. Water and sewer lines are underground at this site so there is a need to maintain access to the property while allowing the church to use the surface area according to the terms of the agreement. The terms and conditions of the current easement agreement will remain the same.

11 Favor Street , 31 Favor Street, and 25 Favor Street

These three parcels are part of a parking lot that is currently leased to the Vineyard Christian Church. The lease expires in September 2010 and will be re-negotiated prior to that time.

148 Troup Street and 152 Troup Street

These two parcels are currently vacant and are possible development sites. 152 Troup Street is somewhat restricted by utility easements and 148 Troup Street would require significant grading for development.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-304
(Int. No. 333)

Authorizing The Acquisition Of Real Estate From The Rochester
Urban Renewal Agency

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of the following parcels of real estate from the Rochester Urban Renewal Agency for the sum of \$1.00 for the effectuation of the purposes of the urban renewal program in accordance with the urban renewal plans:

<u>Address</u>	<u>SBL Number</u>
338 Ford Street	121.530-2-18.2
11 Favor Street	121.290-1-42.1
31 Favor Street	121.370-2-4.1
25 Favor Street	121.370-2-5.1
148 Troup Street	121.370-2-6
152 Troup Street	121.370-2-7.1

The Ford Street acquisition shall be subject to an easement agreement with Memorial AME Zion Church and the Favor Street acquisitions shall be subject to a lease agreement with Vineyard Christian Church.

September 8, 2009

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-305

Re: Agreement - Legal Aid Society,
Homelessness Prevention

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum compensation for an agreement with Legal Aid Society of Rochester, New York, Inc. (Legal Aid) for services related to the Homelessness Prevention and Rapid Re-Housing Program (HPRP), and appropriating the remaining \$100,000 of HPRP funds to fund the agreement. The HPRP funds were received through the American Recovery and Revitalization Act and were included in the 2008-09 Consolidated Community Development Plan (Ord. No. 2009-149).

This agreement supports the City's Housing Policy Goal 3, *Support Efforts to Strengthen the Rental Market*, and Goal 4, *Promote Housing Choice*. The Rental Market Fund (financed in part by the HPRP funds) of the Consolidated Community Development Plan supports a variety of services, including eviction prevention, that are aimed at preventing vacancies and improving tenant and landlord adherence to their respective rights and responsibilities.

The HPRP funds are to be used specifically for legal services that help people stay in their homes, and can include legal advice and representation in legal proceedings related to tenant/landlord or housing issues. Legal Aid will provide these services to tenants who are at risk of homelessness and whose household incomes do not exceed 50% of Median Family Income for the area.

The landlord/tenant services have traditionally been funded through the City's annual CDBG award. The HPRP award will be used to support the tenant portion of services, allowing the previously designated CDBG funds to be allocated for other uses. It is anticipated that the 2010-11 Consolidated Community Development Plan will revert to funding these services through the CDBG.

Legal Aid will continue as the coordinator for services they provide directly, and for those provided by Legal Assistance of Western New York/MCLAC (MCLAC). In 2008-09, City funds enabled Legal Aid and MCLAC to help 319 tenants with advice and representation.

With the use of HPRP funds during the 2009-10 service year, Legal Aid (and MCLAC through a sub-contract with Legal Aid) will be reporting on data bases compatible with HPRP. This will facilitate stronger links among eviction prevention service providers, and improve access to the service network developed by the community collaborative, including the Continuum of Care, the Emergency Services Network, the City, the County, and the United Way.

The term of the agreement will be 18 months, extending to March 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-305
(Int. No. 334)

Authorizing An Agreement For The Tenant Services Program

September 8, 2009

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Legal Aid Society of Rochester, NY, Inc. for the Tenant Services Program for a term of eighteen months.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$100,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from Homelessness Prevention and Rapid Re-Housing Program Funds of the Amended 2008-09 Community Development Program.

Section 3. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Spaul, Warren - 8.

Nays - None - 0.

Councilmember Palumbo abstained on Int. No. 334 because she is employed by the Legal Aide Society.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-306

Re: Agreement - Legal Aid, Landlord
Services

Transmitted herewith for your approval is legislation establishing \$65,000 as maximum compensation for an agreement with Legal Aid Society of Rochester, New York, Inc. (Legal Aid) for landlord services, and appropriating \$65,000 from the Rental Market Fund of the 2009-10 Consolidated Community Development Plan (Housing Stock and General Property Conditions allocation) to fund the agreement.

This agreement supports City Housing Policy Goal 3, *Support Efforts to Strengthen the Rental Market*, and Goal 4, *Promote Housing Choice*.

The Rental Market Fund of the 2009-10 Community Development Plan (Rental Market fund) supports a variety of services that are aimed at preventing vacancies and improving tenant and landlord adherence to their respective rights and responsibilities. The goal of landlord services specifically is to increase the number of landlords who operate their properties with attention to good business practices, so as to prevent loss of rental income and the expenses of re-occupancy.

Services to landlords will include:

- Rental property management workshops for new and experienced landlords,
- *Pro se* clinics and neighborhood-based workshops on code requirements and practices that conform to legal standards for dealing with problem tenants,
- Alternative dispute resolution for landlords and tenants whose disputes would otherwise result in lease termination,
- One-on-one coaching for operating rental property as a business, and

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- Hot line call-in service for landlords for problem solutions or to receive referrals.

Service delivery during 2008-09 met or exceeded goals as below:

<u>Service</u>	<u>Provider</u>	<u>Goal</u>	<u>Actual</u>
Rental property workshops	The Housing Council	6	8
Attendees		N/A	60
City rental units owned		N/A	160
<i>Pro se</i> clinics & neighborhood workshops	Legal Aid	6	7
Attendees		N/A	77
City rental units owned		N/A	259
Alternative dispute resolution	Legal Aid	20	20
One-on-one coaching	The Housing Council	20	21
Hot Line	The Housing Council	900	1,379

In addition, although not required by the terms of the agreement, The Housing Council convened a Landlord Expo in February 2009 which attracted 151 visitors.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-306
(Int. No. 335, As Amended)

Authorizing An Agreement For The Landlord Services Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Legal Aid Society of Rochester, NY, Inc. for the Landlord Services Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$[65,000] 70,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 Community Development Program.

Section 3. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Spaul, Warren - 8.

Nays - None - 0.

Councilmember Palumbo abstained on Int. No. 335 because she is employed by the Legal Aide Society.

TO THE COUNCIL

September 8, 2009

Ladies and Gentlemen:

Ordinance No. 2009-307

Re: Mills at High Falls Development
Project - Phase II

Transmitted herewith for your approval is legislation related to Phase II of the Mills at High Falls development project. This legislation will:

1. Authorize a construction loan in the amount of \$800,000 to the Urban League of Rochester Economic Development Corporation or a subsidiary to be formed for this project. The term of the loan will be for nine months at 1% interest.
2. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits.

An application is pending for HUD Neighborhood Stabilization Program Phase II funds in partnership with the NY State Housing Finance Agency. In anticipation of that funding, this short term loan will be funded from Cash Capital (2003-04 \$30,500; 2006-07 \$15,500; and 2009-10 \$754,000). If the application is not successful, HOME funds will replace the Cash Capital to provide permanent financing for the project.

The Urban League of Rochester Economic Development Corporation (ULREDC) recently completed Phase I of the Mills at High Falls project. Phase I included the construction of 67 mixed-income units and two commercial spaces located at 310-312 State Street and 130 Platt Street.

Phase II includes the redevelopment of four historic buildings located at 368-392 State Street into 21 mixed-income units (10 studio and one-bedroom flats, and 10 two-bedroom townhouses). Ten units will be available for individuals earning 60% or less of AMI and 11 will be for families earning 61-90% of AMI.

ULDREC, in conjunction with Edgemere Development, Inc., will undertake the redevelopment project, and has been approved to receive low-income housing tax credits from the New York State Division of Housing and Community Renewal. The total cost of development is \$6,823,968. The budget is as follows:

<u>Costs</u>		<u>Sources</u>	
Acquisition	\$ 107,000	NYS DHCR	\$2,000,000
Soft Costs	1,217,180	City	800,000
Construction	4,146,867	LIHTC Equity	3,981,939
Contingency	366,979	Developer Fee	<u>42,029</u>
Developer Fee	870,054	Total	\$6,823,968
Working Capital	53,888		
Operating Reserve	<u>62,000</u>		
Total	\$6,823,968		

The loan of City funds will allow work necessary to immediately stabilize the buildings to proceed. This will include façade and interior stabilization, and roof replacement to prevent further safety hazards and deterioration. Estimated at a cost of \$1,083,000 this work will begin in October 2009, with completion expected in Spring 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-307
(Int. No. 354)

September 8, 2009
Authorizing A Loan Agreement For The Mills At High Falls Phase
II Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a loan agreement with the Urban League of Rochester Economic Development Corporation and/or a subsidiary formed for the Mills at High Falls Phase II Project, whereby the City shall provide a loan to partially finance the costs of the construction of rental units as a part of the Mills at High Falls Phase II Project. The funding shall be provided for nine months at an interest rate of 1%. Payment of the interest and the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$800,000, and of said amount, or so much thereof as may be necessary, \$30,500 shall be funded from the 2003-04 Cash Capital allocation, \$15,500 shall be funded from the 2006-07 Cash Capital allocation and \$754,000 shall be funded from the 2009-10 Cash Capital allocation.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-308
Re: Amending the Official Map - Ellwanger
And Barry Park

Transmitted herewith for your approval is legislation amending the Official Map by changing the name of the parcel at 890 Meigs Street from Linden and Meigs Playground to Ellwanger and Barry Park. The Highland Park Neighborhood Association is requesting this action to commemorate the contributions of nurserymen George Ellwanger and Patrick Barry to city parks and development of the Rochester area. The site is located in the Highland Park neighborhood, much of which was part of the original Ellwanger and Barry nursery.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, this proposal is a Type II Action requiring no further environmental review.

The Planning Commission held an informational hearing on August 10, 2009. There were four speakers in support and no speakers in opposition to the proposal. By a vote of 6-0-0, the Planning Commission recommends approval.

A public hearing is required for the Official Map Amendment.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-103

Ordinance No. 2009-308
(Int. No. 336)

September 8, 2009

Amending The Official Map By Renaming The Linden And Meigs
Playground At 890 Meigs Street As The Ellwanger And Barry Park

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by renaming the Linden and Meigs Playground at 890 Meigs Street, described as follows, as the Ellwanger and Barry Park:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 60, Second Division, and being more particularly bounded and described as follows:

Beginning at the intersection of the northerly ROW line of Linden Street (50' ROW) with the easterly ROW line of Meigs Street (60' ROW), said intersection being the Point or Place of Beginning; thence

- 1) Northerly, along said easterly ROW line of Meigs Street, with an interior angle of $90^{\circ} 36' 07''$ with said Linden Street, a distance of 143.25 feet to a point; thence
- 2) Easterly, with an interior angle of $89^{\circ} 28' 20''$, a distance of 267.00 feet to a point; thence
- 3) Southerly, with an interior angle of $90^{\circ} 30' 40''$, a distance of 39.48 feet to a point; thence
- 4) Westerly, with an interior angle of $89^{\circ} 36' 03''$, a distance of 10.82 feet to a point; thence
- 5) Southerly, with an interior angle of $269^{\circ} 48' 50''$, a distance of 104.04 feet to the said northerly ROW line of Linden Street; thence
- 6) Westerly, with an interior angle of $90^{\circ} 00' 00''$ and along said ROW line of Linden Street, a distance of 255.07 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 0.85 acres, more or less, all as shown on a map entitled "School No. 24 Playground", prepared by the City of Rochester Office of Maps & Surveys and dated March 25, 1935.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-309, Ordinance No. 2009-310
And Ordinance No. 2009-311

Re: Official Map Amendment - Carter
Street

Transmitted herewith for your approval is legislation related to Carter Street in the vicinity of Rochester General Hospital. This legislation will:

1. Authorize the acceptance of a permanent easement granted by Rochester General Hospital for a 2,906 square foot parcel located in the area of the proposed width changes on Carter Street;

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2. Amend the Official Map by dedicating the easement as public right-of-way;
3. Authorize the following pavement width changes on Carter Street to add a turning lane on the east side of the street as follows:
 - a) A variable widening, beginning with an increase of eight feet from 48 feet to 56 feet starting at the NYS Route 104 frontage road and tapering to an increase of nine feet, from 36 feet to 45 feet at a point 263 feet south of that point; and
 - b) A variable widening beginning with an increase of nine feet from 36 to 45 feet starting from the end point above and tapering to match the existing width of 34 feet at a point 296 feet south of the NYS Route 104 frontage road.

Rochester General Hospital (RGH) is undertaking improvements near Carter Street as previously approved by Council in August 2008. The pavement width change was required to provide a right turn lane onto Route 104 East and to reduce congestion on Carter Street. The Traffic Control Board endorsed the changes at its July 13, 2009 meeting.

The acquisition will provide for installation of a right turn lane on northbound Carter Street for vehicles turning onto NYS Route 104 frontage road. The project includes the rehabilitation of pavement and pavement striping; installation of new curbs, sidewalks, and survey monuments; and traffic signal and sign modifications. As a previous condition for construction of the garage at Carter Street, RGH commissioned a traffic study to determine the best traffic management methods. The changes requested are a result of said study.

The associated Official Map Amendment was presented to the City Planning Commission on August 10, 2009 and approved by a vote of 6-0.

It is anticipated that construction will begin in September 2009, with substantial completion by 2010.

Public hearings are required for the Official Map amendment and pavement width changes.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-104

Ordinance No. 2009-309
(Int. No. 337)

Authorizing The Acceptance Of A Permanent Easement At The
Rochester General Hospital For Street Purposes

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acceptance of a permanent easement for street purposes over approximately 2,906 square feet of property owned by the Rochester General Hospital, SBL #91.50-1-9.4.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-310

September 8, 2009

(Int. No. 338)

Amending The Official Map By Dedication A Parcel To Street
Purposes And Adding Said Parcel To Carter Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following described property to street purposes and adding said property to Carter Street:

All that tract or parcel of land being part of Town Lot 38, Township 14, Range 7, situate in the City of Rochester, County of Monroe, State of New York, described as follows:

Beginning at the intersection of the east bounds of Carter Street with the south bounds of the Keeler Street Expressway; thence

N 69°12'08" E along the south bounds of the Keeler Street Expressway, a distance of 8.77 feet to a point; thence

S 03°09'41" E through lands now or formerly belonging to Rochester General Hospital, a distance of 198.78 feet to a point; thence

S 14°17'09" W continuing through said lands of Rochester General Hospital, a distance of 47.74 feet to a point in the east bounds of Carter Street; thence

N 03°11'20" W along the east bounds of Carter Street, a distance of 158.03 feet to a point; thence

N 00°57'40" E continuing along the east bounds of Carter Street, a distance of 83.86 feet to the point of beginning.

Containing 2,906 square feet or 0.067 acre of land being the same more or less.

Section 2. This ordinance shall take effect upon acquisition by the City of a permanent easement over the parcel to be dedicated.

Passed unanimously.

Ordinance No. 2009-311

(Int. No. 339)

Approving Changes In The Pavement Width Of Carter Street To
Install A Right Turn Lane At The Route 104 Frontage Road

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the following geometric changes in the pavement width on the eastside of Carter Street, to provide for a right turn lane at the New York State Route 104 frontage road:

- a) A variable widening, beginning with an increase of eight (8) feet from 48 feet to 56 feet starting at the NYS Route 104 frontage road and tapering to an increase of nine (9) feet, from 36 feet to 45 feet at a point 263 feet south of that point, and;

September 8, 2009

- b) A variable widening beginning with an increase of nine (9) feet from 36 to 45 feet starting from the end point above and tapering to match the existing width of 34 feet at a point 296 feet south of the NYS Route 104 frontage road.

Section 2. Such changes and additional changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Lightfoot
September 8, 2009

To the Council:

The Parks & Public Works Committee recommends for Adoption the following entitled legislation:

Int. No. 340 - Authorizing Applications And Agreements For Grants For High Falls And Mt. Hope Cemetery

Int. No. 341 - Establishing Maximum Compensation For An Agreement For High Falls Festival Site Maintenance Services

Int. No. 342 - Establishing Maximum Compensation For A Professional Services Agreement For The East Henrietta Road Improvement Project

Int. No. 343 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$410,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The East Henrietta Road Improvement Project

Int. No. 344 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Cathodic Protection Program For The Water System

Int. No. 345 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The South Clinton Avenue Conduit Modernization Project

Int. No. 346 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$4,785,000 Bonds Of Said City To Finance The Reconstruction Of The City's South Clinton Avenue Water Supply Conduit Located In The Town Of Brighton

Int. No. 352 - Establishing Maximum Compensation For A Professional Services Agreement For A Water Hydraulic Model

Int. No. 362 - Establishing Maximum Compensation For A Professional Services Agreement For Design Of The Turning Point Park Trailhead Parking Lot Expansion Project

The Parks & Public Works Committee recommends for Consideration the following entitled legislation:

Int. No. 363 - Establishing Maximum Compensation For A Professional Services Agreement For The Lawn Street Improvement Project

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Int. No. 364 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$473,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Lawn Street Improvement Project

Int. No. 365 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$142,500 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Lawn Street Improvement Project

Int. No. 366 - Local Improvement Ordinance - Areaway Repair At 50 Chestnut Street As A Part Of The Lawn Street Improvement Project

Respectfully submitted,
John F. Lightfoot
Carla M. Palumbo
Gladys Santiago
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-312
Re: Grant Applications - New York
State Office of Parks, Recreation
And Historic Preservation

Transmitted herewith for your approval is legislation authorizing applications to the New York State Office of Parks, Recreation and Historic Preservation for two grants totaling \$920,000. These grants will fund work on the High Falls Heritage Area, and the Chapel at Mt. Hope Cemetery. A 25% minimum local share is required.

Historic Preservation and Heritage Area Grant

Several components of the High Falls Festival Site, situated on the structural remnants of an 1888 shoe factory and sawmill, require work to restore and preserve the structures. These periodic repairs include: moisture protection for the Triphammer Forge water wheel, and masonry and deck repairs to the Forge; the gorge wall at Granite Mills Park, adjacent to the pedestrian Pont de Rennes Bridge, suffers from continued settling and erosion and requires repointing and repairs to pavers to ensure safety.

A total of \$290,000 is available in 2009-10 Cash Capital (Ord. No. 2009-268) to fund the local match. The funds will address the most immediate needs at the site, including an anchoring inspection along the Gorge Wall and design of water wheel improvements. The Department of Environmental Services, Bureau of Architecture and Engineering, will also investigate the source of water loss along the raceway. The estimated project budget is \$610,000, including the City's current match.

Environmental Protection Fund Program Grant

The Gothic Revival style Chapel at Mt. Hope Cemetery, built in 1912, was designed by J. Foster Warner, an iconic Rochester architect responsible for the Granite Building, Sibley Building, and George Eastman House. The Chapel is suffering from deterioration caused by exposure to harsh environmental conditions. In October 2008, Plan Architectural Studio, PC, under a term agreement, provided a condition assessment of the building envelope. They determined that the highest priority for repairs and restoration is the upper area of the main body of the Chapel, including clerestory and end wall masonry and window systems.

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Plan consulted with Mesick, Cohen, Wilson, Baker Architects, LLP, lead design consultant for the current City Hall Brownstone Restoration Project, to prepare restoration recommendations with cost projections for the Chapel's window and masonry systems. The estimated cost of repairs is \$900,000; the City will seek the maximum grant award amount of \$600,000 for the project. The partial match of \$300,000 is identified in the 2010-11 Capital Improvement Plan.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-312
(Int. No. 340)

Authorizing Applications And Agreements For Grants For High
Falls And Mt. Hope Cemetery

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the State of New York Office of Parks, Recreation and Historic Preservation under the Historic Preservation and Heritage Area Grant Program for funding for the preservation and repair of facilities in the High Falls Area.

Section 2. The Mayor is hereby further authorized to submit an application to and enter into an agreement with the State of New York Office of Parks, Recreation and Historic Preservation under the Environmental Protection Fund Grant Program for funding for the restoration and repair of the Mt. Hope Cemetery New Chapel.

Section 3. The applications and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-313
Re: Agreement - High Falls Development
Corporation, Maintenance Services

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum annual compensation for a two-year agreement with High Falls Development Corporation (principal, Ben Kendig), for the provision of maintenance services at the High Falls Festival Site. The cost of this agreement will be funded from the 2009-10 and 2010-11 Budgets of the Department of Environmental Services.

The High Falls Development Corporation is the owner, developer, and operator of the High Falls Building adjacent to the festival site. The firm currently leases the festival site, and the two floors beneath it, from the City. The firm is responsible for normal maintenance of the festival site and terrace areas, except after festivals. The firm will provide additional services in designated areas within the framework of this agreement. The attached map illustrates these areas.

High Falls Development Corporation was selected to provide these services given its interests in the maintenance of surrounding festival site areas, proximity to the site, and the capability to provide

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maintenance services. The firm has provided these services under agreement with the City since October 2000, with the most recent agreement authorized in October 2007.

The following services will be provided throughout the area: litter and trash removal; routine graffiti removal; repair and resetting of pavers as needed; resetting of pavers every two years; annual fertilizing and mulching of landscape beds; and watering and weeding of landscape beds as needed.

In addition, site-specific services will be provided as follows: for Area A, cleaning and removal of stains on pavers and concrete surfaces; painting of all metal surfaces; and snow plowing, removal and deicing as needed; and for Area C, repointing of stone walls as needed; repair and painting of plastered walls on terrace as needed; painting of fences and railings as needed; replacement of light bulbs as needed; and weekly cleanup of the shelf area contiguous to the terrace.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-105

Ordinance No. 2009-313
(Int. No. 341)

Establishing Maximum Compensation For An Agreement For High
Falls Festival Site Maintenance Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for an agreement between the City and High Falls Development Corporation for High Falls Festival Site maintenance services for a term not to exceed two years. Said amount shall be funded from the 2009-10 and 2010-11 Budgets of the Department of Environmental Services, contingent upon approval of the latter budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-314 and
Ordinance No. 2009-315
Re: Agreement - Bergmann Associates,
East Henrietta Road Project (ARRA)

Transmitted herewith for your approval is legislation related to the East Henrietta Road Project. This legislation will:

1. Establish \$280,000 as maximum compensation for an agreement with Bergmann Associates, P.C., for resident project representation (RPR) services for the project. The cost of the agreement will be financed from American Recovery and Reinvestment Act funds previously appropriated in March 2009 (Ord. No. 2009-73); and
2. Authorize the issuance of bonds totaling \$410,000 and the appropriation of the proceeds thereof to finance the water portion of the project.

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The project involves the rehabilitation and reconstruction of East Henrietta Road, from Mt. Hope Avenue to South Avenue. The work includes pavement rehabilitation or reconstruction; new granite stone curb and under-drain installation; new concrete sidewalks and driveway apron replacements installation; drainage improvements; sewer and water utilities relocation; traffic signal equipment relocation and replacement; new pavement markings and signage; bus stop improvements; street lighting improvements; and landscaping improvements. The consultant will provide RPR and general consultation services during the construction.

The East Henrietta Road Project is a first-tier qualified project funded under ARRA. The New York State Department of Transportation (NYSDOT) recently solicited qualifications for RPR services from fifteen consultants on their Local Design Services Agreement. When City projects include ARRA funding, RPR consultants must be selected from the NYSDOT list. Based on staff availability and qualifications, Bergmann Associates is recommended for this project.

RPR services will begin with construction in fall 2009; completion is scheduled for summer 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-314
(Int. No. 342)

Establishing Maximum Compensation For A Professional Services
Agreement For The East Henrietta Road Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$280,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates, P.C. for resident project representation services for the East Henrietta Road Improvement Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the Project. Said amount shall be funded from American Recovery and Reinvestment Act Funds appropriated in Section 12 of Ordinance No. 2009-73.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-315
(Int. No. 343)

Bond Ordinance Of The City Of Rochester, New York, Authorizing
The Issuance Of \$410,000 Bonds Of Said City To Finance The
Reconstruction Of Various Water Mains In The City Related To The
East Henrietta Road Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the East Henrietta Road Improvement Project in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$410,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$410,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real

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property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$410,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$410,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

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TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-316
Re: Amendatory Agreement - CorrTech,
Corrosion Engineering Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with CorrTech Engineering of Hopkinton, MA for additional corrosion engineering and cathodic protection consultation services related to City's water transmission and distribution systems. This amendment will increase compensation by \$20,000 to be funded from 2003-04 (\$10,000) and 2009-10 (\$10,000) Cash Capital, and extend the term to October 2011.

The original agreement, authorized in June 2001, established \$195,000 as maximum compensation for the design and inspection of the first phase of a cathodic protection system for the City's water supply conduits. An amendment, authorized in September 2007, increased compensation by \$25,000 and extended the term to October 2009. This second amendment will bring total compensation to a maximum of \$240,000.

CorrTech has demonstrated their technical expertise on water main corrosion and cathodic protection related issues and will continue to assist Water Bureau staff in evaluating causes of water main breaks and furnishing recommendations for mitigating corrosion within the water system.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-316
(Int. No. 344)

Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For A Cathodic Protection
Program For The Water System

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and CorrTech Engineering for the design and inspection of a cathodic protection program for the City water system through October, 2011. Of said amount, \$10,000 shall be funded from the 2003-04 Cash Capital allocation (Water Fund) and \$10,000 shall be funded from the 2009-10 Cash Capital allocation (Water Fund).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-317 and
Ordinance No. 2009-318
Re: South Clinton Avenue Conduit
Modernization Project

September 8, 2009

Transmitted herewith for your approval is legislation relating to the South Clinton Avenue Conduit Modernization Project. This legislation will:

1. Authorize an amendatory agreement with Bergmann Associates, 28 East Main Street, for construction design and resident project representation (RPR) services, and;
2. Authorize the issuance of bonds totaling \$4,785,000 and appropriate the proceeds thereof to finance the Project construction and project administration phases.

The Project will replace two existing water supply conduits on South Clinton Avenue, between I-590 and Suburban Court in Brighton, with a single new conduit of comparable hydraulic capacity.

The original design agreement with Bergmann Associates for \$460,000 was authorized by City Council in September 2008. This amendment will modify the scope of the agreement to include additional design and RPR services. The amendment will increase the maximum compensation by \$405,000 to a total of \$865,000, and will also extend the term of the agreement to July 2012. The cost of the agreement will be funded from the proposed bond proceeds.

In May 2009, Council authorized an agreement with Monroe County for pavement resurfacing betterments that will be performed as part of this project which will be reimbursed by Monroe County. The estimated Project reimbursements total \$245,000.

Bids for construction were received on August 18, 2009. The work will be performed by Villager Construction, Inc., at a cost of \$3,552,621. An additional \$827,379 will be allocated for contingencies and material testing.

Construction is expected to begin this fall and be completed by summer 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-106

Ordinance No. 2009-317
(Int. No. 345)

Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For The South Clinton Avenue
Conduit Modernization Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$405,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Bergmann Associates, P.C. for construction design and resident project representation services for the South Clinton Avenue Conduit Modernization Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the Project. Said amount shall be funded from a bond ordinance adopted for the South Clinton Avenue Conduit Modernization Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-318
(Int. No. 346)

September 8, 2009

Bond Ordinance Of The City Of Rochester, New York, Authorizing
The Issuance Of \$4,785,000 Bonds Of Said City To Finance The
Reconstruction Of The City's South Clinton Avenue Water Supply
Conduit Located In The Town Of Brighton

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of the City's South Clinton Avenue Water Supply Conduit located in the Town Of Brighton (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,785,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$4,785,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$4,785,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$4,785,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

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- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-319
Re: Agreement - Malcolm Pirnie, Inc.,
Water Quality Modeling

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with Malcolm Pirnie, Inc., Rochester, for the support and maintenance of the City Water Bureau's GIS-based hydraulic and water quality computer model. The cost of this agreement will be funded from the 2009-10 Cash Capital allocation (Water Fund).

Malcolm Pirnie was previously authorized by Council in October 2005 and March 2007 to provide consultant services for the creation and calibration of the Water Bureau's computer model. They have assisted Bureau staff in performing computer simulations for recently-adopted EPA regulations and determining the regulations' impacts on the City's water system.

This agreement will be for a two-year term, with an option for three one-year renewals, to continue their previous work and to assist the Water Bureau in updating the model.

Malcolm Pirnie is qualified to perform this work due to their familiarity with the City's water system, their demonstrated expertise in the creation and calibration of the computer model, and their knowledge of current and upcoming EPA regulations.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-319
(Int. No. 352)

Establishing Maximum Compensation For A Professional Services
Agreement For A Water Hydraulic Model

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Malcolm Pirnie for engineering consulting and support services for the water hydraulic model based on the Water and Lighting Bureau's GIS data. Said amount shall be funded from the 2009-10 Cash Capital allocation (Water Fund).

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Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-320

Re: Agreement - Stantec Consulting
Services, Turning Point Park
Trailhead Parking Lot Expansion

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for an agreement with Stantec Consulting Services, Inc., Rochester, for engineering design services. The agreement shall be funded from the Department of Environmental Services 2008-09 Cash Capital allocation.

This project is intended to enhance the continued development of the Genesee Riverway Trail at Turning Point Park, which connects the river from the southern tip of the City limits to the Port of Rochester on Lake Ontario. The current Turning Point trail section runs along the west side of the river from Boxart Street north to Petten Street, including a half-mile boardwalk bridge along the west river bank. This portion of the Trail, opened in November 2006, has significantly increased trail user traffic, resulting in increased demand for safe, convenient parking. The existing parking lot holds approximately 32 cars.

The planned parking lot will be constructed on City property on Boxart Street and will increase the number of spaces to approximately 100. Improvements will include site grading; curb and pavement improvements, including connections to street and sidewalk network; drainage; and ancillary features.

Stantec Consulting Services will provide survey, preliminary and final design of improvements, as well as bid and award of a construction contract and construction phase design services. The project budget, including contingencies, is \$500,000 and is requested in the 2010-11 Capital Improvement Program.

Qualifications were solicited from fourteen firms; eight responded including Bergmann Associates, CHA, Passero Associates, FRA, McCord Landscape Architecture, Clark Patterson Lee, and Lu Engineers. City staff reviewed the proposals and, based on their qualifications and approach to the project, Stantec Consulting Services was selected.

Design will begin in October 2009, with completion scheduled for spring 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-107

Ordinance No. 2009-320
(Int. No. 362)

Establishing Maximum Compensation For A Professional Services
Agreement For Design Of The Turning Point Park Trailhead
Parking Lot Expansion Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting

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Services, Inc. for engineering design services for the Turning Point Park Trailhead Parking Lot Expansion Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-321, Ordinance No. 2009-322,

Ordinance No. 2009-323 and Local Improvement Ordinance No. 1610

Re: Lawn Street Improvement Project

Transmitted herewith for your approval is legislation related to the Lawn Street Improvement Project. This legislation will:

1. Establish \$110,000 as maximum compensation for an agreement with Dewberry-Goodkind, Inc., Rochester, for Resident Project Representation (RPR) services related to the project. The cost of the agreement will be funded from the bonds requested herein;
2. Authorize the issuance of bonds totaling \$473,000 and the appropriation of the proceeds thereof to finance the cost of the street improvements;
3. Authorize the issuance of bonds totaling \$142,500 (rounded from the chart below for bonding purposes) and the appropriation of the proceeds thereof to finance the cost of the water improvements; and
4. Appropriate \$37,400 from the Local Improvement Fund to finance the cost to maintain an underground areaway at 50 Chestnut Street, and, through a Local Improvement Ordinance, authorize the assessment of this amount against the property.

The project on Lawn Street, which runs between Broadway and Chestnut Street, includes the reconstruction of pavement; installation of new curbs, catch basins, parking meters and driveway aprons; replacement of sidewalks, signs, street lighting and the water main and water services; and the installation of planters over an areaway.

Design of the project by Dewberry, Inc. was authorized by Council in September 2007. Pavement width changes and a change in the direction of traffic flow were authorized by Council in December 2008.

Bids for construction were received on August 19, 2009. The apparent low bid of \$498,872.50 was submitted by Gordon J. Phillips, Inc., 670 Beach Avenue, Rochester, N.Y. which is 25.6% less than the engineer's estimate. An additional \$61,127.50 will be allocated for project contingencies and street lighting improvements.

The costs for the categories of work for the project based upon the bid amount are as follows:

<u>Category</u>	<u>Construction</u>	<u>RPR</u>	<u>Contingency</u>	<u>Total</u>
Street bond	\$344,296.83	\$ 86,240.00	\$42,463.17	\$473,000
Water bond	107,800.67	23,760.00	10,839.33	142,400
Sewer bond	11,705.00	-0-	1,195.00	12,900
County traffic	3,870.00	-0-	430.00	4,300
LIO	<u>31,200.00</u>	<u>-0-</u>	<u>6,200.00</u>	<u>37,400</u>
Total	\$498,872.50	\$110,000.00	\$61,127.50	\$670,000

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The cost of the street and water improvements will be financed from proceeds of the proposed bonds. The sewer improvements will be financed from Bond Ordinance 2009-46. The traffic improvements will be financed from anticipated reimbursements from Monroe County.

There is an areaway located at 50 Chestnut Street that is integral to the use of the property; the owner, 50 Chestnut Plaza LLC, has elected to retain it. Rather than replace the roof structure, the project will include installation of planters by the City's Street Project contractor to prevent vehicles, with the exception of sidewalk plows, onto the sidewalk.

The City will pre-finance the property owner's areaway repair costs through a Local Improvement Ordinance pursuant to the City's Areaway Policy as established by Ordinance No. 81-104. The LIO provides for the repayment of the cost of the work, plus 1% over the City's borrowing rate, in one payment at the completion of the street construction.

Dewberry-Goodkind, Inc. was selected to perform RPR services based on its familiarity, expertise and staffing assigned to the project.

A public informational meeting was held on October 7, 2008; minutes of the meeting were previously submitted.

It is anticipated that construction will begin in October 2009 and will be substantially completed by summer 2010.

A public hearing on the Local Improvement Ordinance is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-108

Ordinance No. 2009-321
(Int. No. 363)

Establishing Maximum Compensation For A Professional Services
Agreement For The Lawn Street Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$110,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Dewberry-Goodkind, Inc. for resident project representation services for the Lawn Street Improvement Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the Project. Of said amount, \$86,240 shall be funded from a bond ordinance for street purposes and \$23,760 shall be funded from a bond ordinance for water purposes.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-322
(Int. No. 364)

Bond Ordinance Of The City Of Rochester, New York, Authorizing
The Issuance Of \$473,000 Bonds Of Said City To Finance The Cost

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Of Construction And Reconstruction Of Certain Streets As A Part
Of The Lawn Street Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction and reconstruction of certain streets as a part of the Lawn Street Improvement Project in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$473,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$473,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$473,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 20(c) of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

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- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2009-323
(Int. No. 365)

Bond Ordinance Of The City Of Rochester, New York, Authorizing
The Issuance Of \$142,500 Bonds Of Said City To Finance The
Reconstruction Of Various Water Mains In The City Related To The
Lawn Street Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the Lawn Street Improvement Project in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$142,500, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$142,500 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$142,500 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$142,500. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Local Improvement Ordinance No. 1610
(Int. No. 366)

Local Improvement Ordinance - Areaway Repair At 50 Chestnut
Street As A Part Of The Lawn Street Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. As part of the Lawn Street Improvement Project, the Council hereby authorizes the special treatment of the areaway at 50 Chestnut Street in the form of the repair of said areaway, and the construction or reconstruction of the necessary incidentals thereto, in accordance with plans and specifications prepared or approved by the City Engineer.

Section 2. The improvements and work described in Section 1 shall be constructed in accordance with the provisions of Chapter 10 of the Municipal Code and shall be done by contract.

Section 3. The limits of the District of Assessment for the improvements and work shall be the following property, in amounts not to exceed the following:

<u>Address</u>	<u>SBL No.</u>	<u>Owner</u>	<u>Amount</u>
50 Chestnut Street	121.24-2-37	50 Chestnut Plaza LLC	\$37,400

Section 4. The cost of improvements and work described in Section 1, including the cost of any necessary professional design and engineering work, not to exceed \$37,400, plus interest at a rate 1%

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above the City's "latest borrowing rate", shall be assessed on the property described above. The Council hereby deems such property to be benefited by such improvements and proper to be assessed therefor. The City's "latest borrowing rate" shall be the most recent rate at which the City shall have sold long-term bonds prior to the date of initial billing of the assessments.

Section 5. The assessments shall be billed after the completion of the improvements and work described, and shall be due in one installment. Any assessment not paid by May 15 after its due date may be added to the subsequent annual tax bill for the property.

Section 6. The total cost of said improvements and work, up to \$37,400, shall be charged as described in this ordinance and paid from the local improvement fund, and said amount, or so much thereof as may be necessary, is hereby appropriated for this purpose.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
September 8, 2009

To the Council:

The Economic Development & The Environment Committee recommends for Adoption the following entitled legislation:

Int. No. 356 - Authorizing Agreements And Appropriating Funds For The Energy Efficiency And Conservation Block Grant Program

Int. No. 357 - Approving The Granting Of A Permanent Environmental Easement Over 399 Gregory Street

Int. No. 358 - Establishing Maximum Compensation For A Professional Services Agreement For The Center City Circulator Study

The following entitled legislation is being HELD in committee:

Int. No. 347 - Establishing Maximum Compensation For Amendatory Professional Services Agreement For Midtown Plaza

Respectfully submitted,
Dana K. Miller
John F. Lightfoot
Gladys Santiago
ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-324
Re: Agreement - Energy Efficiency and

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Conservation Block Grant Services

Transmitted herewith for your approval is legislation related to the City's Energy Efficiency and Conservation Block Grant (EECBG.) This legislation will:

- 1) Authorize an agreement with the U.S. Department of Energy (DOE) for the receipt and use of EECBG funds;
- 2) Establish \$192,100 as maximum compensation for an agreement with O'Brien & Gere for the preparation of the City's greenhouse gas inventory, the Energy Efficiency and Conservation Strategy (EECS) required by the EECBG, and ongoing reporting as required by the EECBG; and
- 3) Appropriate \$250,000 of Energy Efficiency and Conservation Block Grant funds to finance the cost of the agreement and City personnel time. No budget amendment is needed as funding was anticipated in the current budget.

In March 2009, as part of the American Recovery and Reinvestment Act of 2009, the DOE announced that \$3.2 billion would be used to fund in energy efficiency and conservation projects. The EECBG program appropriates this funding for the DOE to award formula-based grants to states, U.S. territories, units of local government, and Indian tribes. The purpose of the program is to assist eligible entities in creating and implementing activities to:

- Reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent possible, maximizes benefits for local and regional communities;
- Reduce the total energy use of the eligible entities; and
- Improve energy efficiency in the building, transportation, and other appropriate sectors.

The City of Rochester has been allocated \$2,199,800 in EECBG funding. All entities receiving these direct formula grants are required to develop and implement an Energy Efficiency and Conservation Strategy (Strategy). In June, the City submitted its application for \$250,000 to prepare the Strategy and greenhouse gas emissions inventory. The balance of the EECBG allocation, \$1,949,800, will be available after DOE approval of the City's Strategy.

The Strategy must include descriptions of the following:

- How the balance of the funding will be used, with measureable goals and objectives and a schedule for implementation;
- The City's cooperative/collaborative efforts with adjacent local governments' Strategies;
- Methods for coordination and information-sharing with New York State to maximize energy efficiency and conservation benefits;
- How the benefits of the plan will be sustained beyond the three-year EECBG funding period; and
- The transparency and accountability measures that will be used to ensure appropriate use of funds.

In July 2008, a Request for Proposals was issued for the preparation of the Strategy and the greenhouse gas inventory and other program-related services EECBG related services. The RFP was sent directly to six firms - O'Brien & Gere, EMCOR, Barton and Loguidice, LaBella Associates, CHA and Pathfinder Engineers. Proposals were received from four firms, including O'Brien & Gere, EMCOR, LaBella

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Associates and CHA. O'Brien & Gere is recommended based upon the quality and scope of its proposal, the firm's experience and expertise in completing similar projects, the proposed project team, and reasonableness of its proposed fee. This agreement will have an initial term of two years with a provision for one annual renewal based on mutual written agreement.

It is anticipated that the EECS will be completed by November 30, 2009 and the GHG inventory will be completed by March 2010. EECBG reporting services will be required throughout the term of the grant, ending July 2012.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-324
(Int. No. 356)

Authorizing Agreements And Appropriating Funds For The Energy
Efficiency And Conservation Block Grant Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Energy for funding under the Energy Efficiency and Conservation Block Grant Program. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 2. The sum of \$192,100, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and O'Brien & Gere Ltd. for technical planning and consulting services for the Energy Efficiency and Conservation Block Grant Program. The agreement shall extend for a term of two years, with a one-year renewal option. Said amount shall be funded from the appropriation made in Section 3.

Section 3. There is hereby appropriated from Energy Efficiency and Conservation Block Grant Funds the sum of \$250,000, or so much thereof as may be necessary, to fund the Energy Efficiency and Conservation Block Grant Program.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-325
Re: Environmental Easement -
399 Gregory Street

Transmitted herewith for your approval is legislation authorizing the granting of an environmental easement over City-owned property at 399 Gregory Street to the New York State Department of Environmental Conservation (DEC). The City is completing a Brownfield cleanup project at this former Davidson Collision site.

The site had been abandoned and tax delinquent since the mid-1990's until the City foreclosed on this property in October 2004. The property was under investigation by the DEC since the early 1990's due to waste paint and paint thinner releases. In October 2004, City Council authorized an agreement with Stantec for a site investigation, reuse concept planning and selection of a recommended approach for site cleanup. In April 2005, the City entered into a brownfield cleanup agreement with the DEC, and in 2006

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the EPA grant was awarded. The City cleanup plan was formally approved by the DEC in July 2008. In December 2008, the Council authorized an agreement with Stantec for completion of environmental remediation services at the site and authorized the issuance of bonds totaling \$60,000 to partially finance the cost of the agreement. Remediation, other than some ongoing groundwater monitoring, is complete. Real Estate is planning a redevelopment RFP for the parcel for later this year.

When a Brownfield cleanup project leaves some contamination at levels that have been determined to be safe for some but not all uses, or when the cleanup project includes passive or active engineering controls, or where there are restrictions on the future use of the property under a site management plan, DEC regulations now require the use of an environmental easement notifying successors in title of the existence of environmental controls or use restrictions.

This project is the first Brownfield project of the City to require a permanent environmental easement to DEC. The City's Department of Environmental Services/Division of Environmental Quality has reviewed this transaction and concurs with the granting of the permanent environmental easement.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-325
(Int. No. 357)

Approving the Granting Of A Permanent Environmental Easement
Over 399 Gregory Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the granting of a permanent environmental easement over City-owned premises at 399 Gregory Street to the New York State Department of Environmental Conservation.

Section 2. This ordinance shall take effect immediately

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-326
Re: Agreement - C&S Companies,
Center City Circulator Study

Transmitted herewith for your approval is legislation establishing \$75,000 as maximum compensation for an agreement with C&S Companies, 150 State Street, Rochester, for a study of center city transportation. Federal Highway Administration Planning funds (\$48,750) and Federal Transit Administration Metropolitan Planning Program funds (\$16,250), received through a grant from the Genesee Transportation Council, will be appropriated to fund the agreement. The remaining cost, \$10,000, will be funded from the 2005-06 Cash Capital allocation.

The Center City Circulator Feasibility Study will include a survey of center city workforce transportation practices and habits to determine the elasticity of parking demands and the thresholds at which other means of commuting become attractive to the downtown community. The Study will also investigate the feasibility of establishing a Center City Circulator transit service, which would connect underutilized parking sites and other transportation facilities with various downtown destinations.

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Three firms responded to a published proposal request; C&S Companies, IBI Group and T.Y. Lin International. A Project Advisory Committee, consisting of City staff and representatives from Monroe County, Rochester-Genesee Regional Transportation Authority, Rochester Downtown Development Corporation and Genesee Transportation Council, reviewed and ranked the proposals. Based on their qualifications and approach to the project, C&S Companies was selected.

Consultant planning services will begin in fall 2009 with scheduled completion in fall 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-109

Ordinance No. 2009-326
(Int. No. 358)

Establishing Maximum Compensation For A Professional Services
Agreement For The Center City Circulator Study

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$75,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and C&S Companies for planning and consulting services for the Center City Circulator Study. Of said amount, \$48,750 is hereby appropriated from Federal Highway Administration Funds, \$16,250 is hereby appropriated from Federal Transit Administration Funds, both of which are received through a grant from the Genesee Transportation Council, and \$10,000 shall be funded from the 2005-06 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
September 8, 2009

To the Council:

The Public Safety & Recreation Committee recommends for Adoption the following entitled legislation:

Int. No. 348 - Authorizing Agreements For the 2009 Justice Assistance Grant Program

Int. No. 349 - Authorizing Agreements With Respect To Project IMPACT VI And Amending The 2009-10 Budget

Int. No. 350 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Mt. Hope Cemetery Study

Int. No. 351 - Authorizing An Agreement For The Young Mother's Parenthood Project

Int. No. 355 - Authorizing Agreements And Amending The 2009-10 Budget With Respect To COPS Grants

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Int. No. 359 - Authorizing An Amendatory Agreement For Pre-K Transportation And Amending The 2009-10 Budget

Int. No. 360 - Authorizing An Agreement With Quad A For Kids And Amending The 2009-10 Budget

Respectfully submitted,
Adam C. McFadden (*Abstained on Int. No. 360*)
Dana K. Miller (*Abstained on Int. No. 359*)
Gladys Santiago
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-327
Re: Agreement - US Department of
Justice, 2009 Justice Assistance
Grant

Transmitted herewith for your approval is legislation that will:

1. Authorize an agreement with the United States Department of Justice (USDOJ) for the application for, and receipt and use of a \$366,909 grant through the 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) program.
2. Authorize agreements with the County of Monroe, and the Police Departments of the Towns of Greece and Irondequoit for the distribution and use of funds under this program.

This year for the first time, in addition to allocations to the City and Monroe County Probation Department, the grant includes allocations for Greece and Irondequoit Police Departments. The term of this grant is October 1, 2008 to September 30, 2012. As administrator for the grant, the City is allowed 10%, or \$36,691, to cover administrative costs. The remaining funds will be allocated among the City, the County and the two participating towns for police programs. After charging the 10% grant administrative expense, the grant allocations are as follows - Rochester Police Department: \$190,804 (includes the City of Rochester's \$154,113 program share and \$36,691 overall grant administrative cost); Monroe County Probation Department: \$154,113; Greece Police Department: \$11,542 and Irondequoit Police Department: \$10,452. No match is required for this grant.

The Police Department intends to use JAG funds to continue to underwrite the salary costs of a Crisis Counseling Coordinator position in the Police Department's Family and Victims Services Section. No budget amendment is needed as the funding was anticipated in the 2009-10 Budget appropriations. The previous Justice Assistance grant was approved on July 15, 2008 under Ordinance No. 2008-277.

The preliminary application for this grant was submitted in June 2009. Final award acceptance and drawdown of funds is contingent upon local legislative approval and development of the agreements with the partner agencies.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-327
(Int. No. 348)

September 8, 2009

Authorizing Agreements For The 2009 Justice Assistance Grant
Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Justice, Bureau of Justice Assistance, for funding under the 2009 Edward Byrne Memorial Justice Assistance Grant Program.

Section 2. The Mayor is hereby further authorized to enter into agreements with the County of Monroe (\$154,113) and the Towns of Greece (\$11,542) and Irondequoit (\$10,452) to fund County and Town Grant Programs.

Section 3. The agreements shall obligate the City to pay to the County and Towns an amount not to exceed \$176,107, and said amount, or so much thereof as may be received under the Grant Agreement authorized in Section 1 and designated for use by the County and Towns, is hereby appropriated from 2009 Edward Byrne Memorial Justice Assistance Grant Program Funds.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-328
Re: Agreements and Budget Amendment -
Project IMPACT VI

Transmitted herewith for your approval is legislation related to the City share of the 2009-10 New York State Department of Criminal Justice Services (DCJS) funding for Project IMPACT VI. This legislation will:

1. Authorize an agreement with the New York State DCJS for receipt and use of \$502,671 of Project IMPACT VI funds;
2. Amend the 2009-10 Budget by a total of \$502,700 to reflect these funds, which are to be distributed as follows:

Police Department	\$463,800
Department of Recreation and Youth Services	\$36,900
Undistributed Expense	\$2,000
3. Establish \$40,000 as maximum compensation for an agreement with the Rochester Institute of Technology (RIT) for crime data analysis services. The cost of the agreement will be funded from the 2009-10 Budget of the Police Department.

A total of \$1,847,719 in IMPACT VI funds has been awarded to agencies in Monroe County for the period of July 1, 2009 through June 30, 2010. These funds support initiatives, coordinated among federal, state and local criminal justice agencies, to reduce violent crime in Rochester.

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Using data driven strategies, IMPACT VI activities are overseen by a county-wide taskforce to prevent gang violence, gun carrying and open air drug markets, and to provide enhanced prosecution.

The Police Department will use its portion of funding for overtime details, crime analysis services, expansion of the Shotspotter gunfire detection system, and equipment. The DRYs portion will support Youth Intervention Specialists in the Pathways to Peace program, and for related training and support costs. No match is required for this grant.

This year, the Monroe Crime Analysis Center (MCAC) will receive its own subaward through RIT for Crime Research analysis. The City's contract with MCAC will be reduced accordingly.

This is the sixth round of funding received under this program. The agreement for the fifth round was authorized by Ord. No. 2008-313. As of June 30, 2009, IMPACT V had recorded over 50 overtime details resulting in over 900 violation arrests, 1500 misdemeanor arrests, and 500 felony arrests. Additionally, 125 illegal guns were seized and 70 warrant arrests were made.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-328)
(Int. No. 349)

Authorizing Agreements With Respect To Project IMPACT VI And
Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for funding for Project IMPACT VI.

Section 2. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Rochester Institute of Technology for crime data analysis services for Project IMPACT V. Said amount shall be funded from the 2009-10 Budget of the Rochester Police Department.

Section 3. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$463,800, to the Department of Recreation and Youth Services by the sum of \$36,900, and to undistributed Expense by the sum of \$2,000, which amounts are hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-329
Re: Amendatory Agreement - Wendell
Duchscherer Architects & Engineers

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Wendell Duchscherer Architects & Engineers, for services related to a Cultural Landscape report and tree management plan for Mount Hope Cemetery. The original agreement, authorized by Ordinance No. 2008-

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233, established maximum compensation of \$92,810. This amendment will provide an additional \$3,000, for a total of \$95,810. The additional cost will be financed from the 2008-09 Budget of the Department of Recreation and Youth Services.

This funding request is necessitated by unanticipated additional time and work required to meet the purpose of the project, including the inventory of 391 trees in addition to the 1,800 originally anticipated, and to satisfy requests from the Friends of Mount Hope and the Rochester Cemetery Heritage Foundation.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-3329
(Int. No. 350)

Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For A Mt. Hope Cemetery Study

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$3,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Wendell Duchscherer Architects & Engineers for a Cultural Landscape Report and Tree Inventory of Mt. Hope Cemetery. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-330
Re: Agreement and CDBG Appropriation -
Young Mothers Parenthood Project

Transmitted herewith for your approval is legislation establishing \$36,000 as maximum compensation for an agreement with the YWCA of Rochester & Monroe County for the Young Mothers Parenthood Project, and appropriating this amount from the General Community Needs allocation of the 2009-10 Community Development Block Grant to fund the project.

The Young Mothers Parenthood Project provides support services and case management for pregnant and parenting teen students enrolled in John Marshall High School. These efforts have been effective in preventing youth from dropping out of school, and from having a repeat pregnancy.

This is considered a project with matching funds, eligible for up to five years of funding, and will enter its fifth and final year of CDBG funding. Efforts are currently underway to develop sustainable funding for the program beyond the CDBG funding period.

The most recent agreement for these services was approved by Council in July 2008 in Ord. No. 2008-281.

A project description and budget are attached.

Respectfully submitted,
Robert J. Duffy

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Mayor

Attachment No. AI-110

Ordinance No. 2009-330
(Int. No. 351)

Authorizing An Agreement For The Young Mother's Parenthood
Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the YWCA of Rochester and Monroe County for the Young Mother's Parenthood Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$36,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2009-10 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-331
Re: Agreements, US Department of Justice,
COPS Grant Awards - 2009-10 Budget
Amendment

Transmitted herewith for your approval is legislation:

- 1) Authorizing agreements with the US Department of Justice, Office of Community Oriented Policing Services (COPS) for acceptance of the following grants:
 - a) \$5,831,550 through the competitive COPS Hiring Recovery Program (CHRP); and
 - b) \$675,000 under the 2009 COPS Methamphetamine Initiative.
- 2) Amending the 2009-10 Budget of the Police Department by \$755,000 and Undistributed by \$379,000, reflecting the additional revenue and expenses associated with the CHRP grant. The remaining grant funds will be included in the future budgets of the Police Department and Undistributed. Budget amendments related to the COPS Methamphetamine Initiative will be requested at a later date.

CHRP

CHRP is a competitive grant program that provides funding directly to law enforcement agencies having primary law enforcement authority to create and preserve jobs and to increase their community policing capacity and crime-prevention efforts. The City's initial proposal was to fund the salary and benefits of 30 police officers that were due to be laid off in 2009-10 as a result of the projected \$35.1 million shortfall in the City's 2009-10 budget. With the uncertainty surrounding the approval of the grant application, the

September 8, 2009

2009-10 budget reflected postponement of the August, 2009 police officer recruit class of 15 personnel as well as the proposed layoff of 15 police officers effective October 1, 2009.

On July 28, 2009, the COPS CHRP office announced the approval of the City's full requested grant amount of \$5,831,550, the largest grant award received in New York State. This award will prevent the layoff of 15 police officers on October 1, 2009 and will allow for the postponed recruit class to begin in February, 2010. The decision to postpone the summer recruit class requires revision of the City's original grant application and will require approval by the COPS CHRP office. Strict reporting is an essential component of this grant. This is the first time the City has been awarded this one-time only "Recovery" grant. The CHRP grant term is October 1, 2009 through September 30, 2012. The local match is in the form of maintaining the total number of sworn police positions at the same level as was present at the time of the grant application in April, 2009 for at least 12 months following the expiration of the grant period. That level was 789 sworn police positions.

COPS Methamphetamine Initiative

The award of \$675,000 is from federal funding earmarked for State and local law enforcement programs to target drug "hot spots" and is to be used locally for intensifying police patrols, improving the tracking of narcotics shipments, providing technical support, and enhancing local crime prevention programs for at-risk youth. The award is being made available through the efforts of Rep. Louise Slaughter. The term of the grant is March 11, 2009 to March 10, 2012. This is a new grant program and no match is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-331
(Int. No. 355)

Authorizing Agreements And Amending The 2009-10 Budget With Respect To COPS Grants

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the United States Department of Justice, Office of Community Oriented Policing Services (COPS), for funding for police services under the COPS Hiring Recovery Program (CHRP) and the 2009 COPS Methamphetamine Initiative.

Section 2. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$755,000, and to Undistributed Expense by the sum of \$379,000, which amounts are hereby appropriated from funds to be received under the CHRP grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-332
Re: Budget Amendment and Amendatory

September 8, 2009

Agreement - Rochester Area
Community Foundation, Pre-K
Transportation

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Rochester Area Community Foundation (RACF) to support transportation of City children to pre-kindergarten programs; and amending the 2009-10 Budget by transferring \$30,000 from Contingency to the Department of Recreation and Youth Services.

The original agreement for \$10,000 was authorized by Ord. No. 2007-390, and amended by Ord. No. 2008-246 to increase compensation by \$8,000. This amendment will increase compensation by \$30,000, to a maximum total of \$48,000. The additional cost will be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

The amendatory agreement with RACF will secure coordination of transportation services for children attending the Rochester City School District's Pre-Kindergarten programs. Rochester Childfirst Network and Community Place will provide the actual transportation. The City's financial support will be matched with funding from the Rochester City School District.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-332
(Int. No. 359)

Authorizing An Amendatory Agreement For Pre-K Transportation
And Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Area Community Foundation for the transportation of City children to Pre-K educational programs.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$30,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$30,000 from the Contingency allocation to the Department of Recreation and Youth Services to fund the agreement authorized herein.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Palumbo, Pritchard, Spaul, Warren - 8.

Nays - None - 0.

Councilmember Miller abstained on Int. No. 359 because he is employed by an agency that receives funding.

September 8, 2009

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-333
Re: Quad A

Transmitted herewith for your approval is legislation amending the 2009-10 Budget of the Department of Recreation and Youth Services by transferring \$50,000 from the Contingency Budget to DRYS. This legislation will authorize \$50,000 as maximum compensation for an agreement with Quad A for Kids, for two after-school programs.

Quad A's After-School Tutoring Program offers supplemental education to Rochester City schools #4 and #34 children by utilizing paraprofessionals and community volunteers to provide students with one-on-one tutoring, fun activities and daily hot meals. The main purpose of the program is to provide academic assistance, physical exercise and a safe environment for play. The program is an extension of school-based programs in the public school attended by the participating children.

Many of the 260 children may have learning disabilities and delayed development. Demographics for the 2009 year were 125 students at school #34 and 100 students at school #4. At School #34, 82% were non-white, and the male to female ratio was 52/48, with 93% qualified for free or reduced lunches. School #4 had 96% non-white, the male female ratio was 50/50, and 95% qualified for free or reduced price lunches.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-333
(Int. No. 360)

Authorizing An Agreement With Quad A For Kids And Amending
The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Quad A For Kids for after school programs at Schools No. 4 and 34.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$50,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$50,000 from the Contingency allocation to the Department of Recreation and Youth Services to fund the agreement authorized herein.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, Miller, Palumbo, Pritchard, Spaul, Warren - 8.

Nays - None - 0.

September 8, 2009

Councilmember McFadden abstained on Int. No. 360 because he is Executive Director of Quad A.

Councilmember Miller moved to discharge Int. No. 347 from committee.

The motion was seconded by Councilmember Warren.

The motion was adopted by the following votes:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-334
Re: Amendatory Agreement - Midtown
Relocation Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with R. K. Hite & Co., Inc. and Flaum Management, Inc. to provide additional services related to relocation planning and advisory services for Midtown tenants. The legislation will extend the term of the agreement by an additional 12 months to December 30, 2010 and increase the compensation by \$25,000 to a maximum total of \$323,100. This additional cost will be funded from 2008-09 Cash Capital.

The original agreement with R.K. Hite & Co., Inc. and Flaum Management, Inc. (per Ordinance No. 2007-481) established \$255,100 as maximum compensation for relocation services for the 50 tenants of Midtown Plaza. An amendatory agreement (per Ordinance No. 2009-54) established an additional \$43,000 as maximum compensation for the continuation of these services by R.K. Hite. The consultants have successfully assisted 46 tenants in either relocating or receiving a fixed payment in-lieu of moving and reestablishment assistance. Due to the complexity of many of the business relocations (i.e. Trailways and Clear Channel) and the need for strict compliance with federal relocation guidelines, additional funds are required for payment of past services rendered and to both complete the relocation of Trailways, the remaining tenant, and to finalize the claims for four relocated tenants.

The following summarizes progress to date on relocation advisory services for Midtown tenants:

Tenants declining benefits	1
Tenants vacated prior to eligibility	2
Tenants with processed claims	42
Tenants with claims being finalized	4
Tenants with claims to be prepared	1

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-334
(Int. No. 347)

Establishing Maximum Compensation For Amendatory Professional
Services Agreement For Midtown Plaza

September 8, 2009

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Flaum Management, Inc. and R.K. Hite & Co., Inc. for relocation planning and advisory services for Midtown Plaza tenants as a part of the Midtown Plaza Revitalization Project through December 30, 2010. Said amount shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:35 p.m.

DANIEL B. KARIN
City Clerk